

Permit No: NDG-320000  
Effective Date: October 1, 2009  
Expiration Date: September 30, 2014

AUTHORIZATION TO DISCHARGE UNDER THE  
NORTH DAKOTA POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with Chapter 33-16-01 of the North Dakota Department of Health rules as promulgated under Chapter 61-28 (North Dakota Water Pollution Control Act) of the North Dakota Century Code,

domestic wastewater treatment facilities satisfying the requirements of this permit

are authorized to discharge from waste stabilization ponds

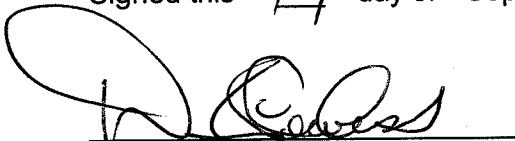
to Class III waters of the state

provided all the conditions of this permit are met.

This permit and the authorization to discharge shall expire at midnight,

September 30, 2014.

Signed this 17 day of September 2009.

  
Dennis R. Fewless, Director  
Division of Water Quality

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## TABLE OF CONTENTS

<b>PERMIT SUBMITTALS SUMMARY .....</b>	<b>6</b>
<b>I. LIMITATIONS AND MONITORING REQUIREMENTS.....</b>	<b>7</b>
A. Discharge Authorization .....	7
B. Effluent Limitations and Monitoring .....	7
<b>II. SPECIAL CONDITIONS.....</b>	<b>8</b>
A. Alternate Permits .....	8
B. Facility Permit Coverage.....	8
<b>III. MONITORING, RECORDING, AND REPORTING REQUIREMENTS BP 2008.02.25 .....</b>	<b>9</b>
A. Representative Sampling (Routine and Non-Routine Discharges) .....	9
B. Test Procedures.....	9
C. Recording of Results.....	9
D. Additional Monitoring.....	9
E. Reporting of Monitoring Results.....	10
F. Records Retention.....	10
<b>IV. COMPLIANCE RESPONSIBILITIES BP 2008.10.27 .....</b>	<b>10</b>
A. Duty to Comply .....	10
B. Proper Operation and Maintenance.....	10
C. Planned Changes.....	10
D. Duty to Provide Information .....	10
E. Signatory Requirements .....	10
F. Twenty-four Hour Notice of Noncompliance Reporting.....	11
G. Bypass of Treatment Facilities.....	12
H. Upset Conditions .....	12
I. Duty to Mitigate.....	13
J. Removed Materials .....	13
K. Duty to Reapply.....	13
<b>V. GENERAL PROVISIONS BP 2008.02.25.....</b>	<b>13</b>
A. Inspection and Entry .....	13
B. Availability of Reports .....	13
C. Transfers.....	13
D. New Limitations or Prohibitions .....	13
E. Permit Actions.....	14
F. Need to Halt or Reduce Activity Not a Defense.....	14
G. State Laws .....	14
H. Oil and Hazardous Substance Liability .....	14
I. Property Rights.....	14
J. Severability.....	14

## DEFINITIONS

### GENERAL PERMIT DEFINITIONS BP 2008.08.06

1. "Act" means the Clean Water Act.
2. "Average monthly discharge limitation" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
3. "Average weekly discharge limitation" means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week.
4. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.
5. "Best management practices" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage areas.
6. "Composite" sample means a combination of at least 4 discrete sample aliquots, collected over periodic intervals from the same location, during the operating hours of a facility not to exceed a 24 hour period. The sample aliquots must be collected and stored in accordance with procedures prescribed in the most recent edition of Standard Methods for the Examination of Water and Wastewater.
7. "Daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
8. "Department" means the North Dakota Department of Health, Division of Water Quality.
9. "DMR" means discharge monitoring report.
10. "EPA" means the United States Environmental Protection Agency.
11. "Geometric mean" means the  $n^{\text{th}}$  root of a product of  $n$  factors, or the antilogarithm of the arithmetic mean of the logarithms of the individual sample values.
12. "Grab" for monitoring requirements, means a single "dip and take" sample collected at a representative point in the discharge stream.
13. "Instantaneous" for monitoring requirements, means a single reading, observation, or measurement. If more than one sample is taken during any calendar day, each result obtained shall be considered.

14. "Maximum daily discharge limitation" means the highest allowable "daily discharge."
15. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
16. "Total drain" means the total volume of effluent discharged.
17. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

## OUTFALL DESCRIPTION

**Pond System Cell(s)** – Active. Wastewater Stabilization Pond Discharge. The wastewater stabilization pond receives domestic wastewater.

## PERMIT SUBMITTALS SUMMARY

Coverage Point	Submittal	Frequency	First Submittal Date
Pond System Cell(s)	Discharge Monitoring Report	Semiannually (Oct 1 – Mar 31) (Apr 1 – Sep 30)	April 30, 2010
Application Renewal	NPDES Application Renewal	1/permit cycle	March 31, 2014

## I. LIMITATIONS AND MONITORING REQUIREMENTS

### A. Discharge Authorization

1. During the effective period for this general permit the permittee is authorized to discharge wastewater provided the discharge meets the limitations and monitoring requirements conditions outlined in this permit. Discharges that do not comply with the permit conditions may be subject to civil or criminal penalties under the North Dakota Water Pollution Control Act. This permit identifies the requirements for discharges from waste stabilization ponds in North Dakota to Class III waters of the state.
2. To be eligible for authorization to discharge under this permit, the stabilization ponds must service a population of less than 5,000 people, not be considered a major discharge facility by the Department, and have no significant industrial discharge contributions as determined by the Department. In addition, it must be demonstrated that the system can meet secondary treatment limitations through compliance with a previously issued discharge permit for the facility or engineering design criteria and data.

### B. Effluent Limitations and Monitoring

The permittee must notify the Department prior to any lagoon discharge. Approximately two weeks prior to a planned discharge, a representative pre-discharge grab sample must be collected from the lagoon cell and analyzed for the parameters listed in the table below. The pre-discharge sample results must be provided when notifying the Department of a planned discharge. The permittee must limit and monitor discharges as specified in Part I.B ("Effluent Limitations and Monitoring").

Table 1: Effluent Limitations and Monitoring Requirements

Parameter	Effluent Limitations			Monitoring Requirements	
	Avg. Monthly Limit	Avg. Weekly Limit	Daily Maximum Limit	Sample Frequency	Sample Type
Biological Oxygen Demand (BOD5)	25 mg/l	*	*	1/week	Grab
pH <sup>a</sup>	Shall remain between 6.0 to 9.0 s.u. <sup>a</sup>			1/week	Grab
Total Suspended Solids (TSS)	30 mg/l	*	*	1/week	Grab
Total Flow, mgal	*	*	Report Monthly Total	1/event	Calculated

Notes:

\*. This parameter is not limited. However, the Department may impose limitations based on sample history and to protect the receiving waters.

a. The pH, an instantaneous limitation, shall be between 6.0 (s.u.) and 9.0 (s.u.).



Table 1: Effluent Limitations and Monitoring Requirements

Stipulations:

There shall be no visible floating solids and/or visible oil or grease in the discharge.

The limitations for 5-Day BOD and total suspended solids are based on the average of all samples taken to monitor the discharge from a cell. If only one sample is taken, this value shall be used as the average. The limitation for pH applies to each sample taken. The Department may allow discharges when the pH is outside the stated range if it suspects that the variation is due to natural biologic processes, and the discharger confirms that chemicals were not added to the cell or contributions from industrial sources do not cause the pH to be outside the range 6.0 to 9.0. All discharges shall be made in such a manner to minimize any possible adverse impacts on the receiving stream and downstream landowners.

At a minimum, one grab sample shall be taken each week of the discharge and analyzed for 5-Day BOD, total suspended solids and pH. Additional requirements may be identified by the Department at the time the discharge is approved. The pre-discharge sample may be used for the sample required for the first week of the discharge. The beginning and ending dates of the discharge shall also be recorded. The total amount of water discharged shall be determined either by using a flow-measuring device or by recording the water level drop in the pond. All samples and measurements taken shall be representative of the discharge.

## II. SPECIAL CONDITIONS

### A. Alternate Permits

When an individual NDPDES permit is issued to a facility otherwise subject to this permit, coverage under this General Permit is automatically terminated upon the effective date of the individual permit. When a facility is approved for coverage under an alternative NDPDES General Permit, the authorization under this permit is automatically terminated on the date of approval for coverage under the alternative General Permit. When an individual NDPDES permit or coverage under an alternative General Permit is denied to a person otherwise subject to this permit, the applicability of this permit remains in effect, unless otherwise specified by the Department.

### B. Facility Permit Coverage

1. To obtain coverage under this permit, the owner, operator, or authorized agent of the facility must submit a Short Form A (North Dakota Pollutant Discharge Elimination System Permit Application Form). If the application is for a renewal of an existing NDPDES permit, it will be acceptable to provide a statement certifying that the most recently submitted Short Form A is accurate.
2. Within thirty (30) days after receiving an application, the Department will authorize coverage under this discharge permit, deny coverage, or request additional information. Coverage under this General Permit will begin when the applicant receives a written notice of coverage from the Department.
3. A request to be issued an individual permit may be made by the owner, operator, or authorized agent of any facility which is eligible for coverage under this General Permit. Such requests shall provide the reasons for issuing an individual permit to the facility. If the reasons are adequate to support the request, the Department may issue an individual permit.

4. Facilities covered by an individual permit, which are also eligible for coverage under this permit, shall remain covered by the individual permit until it expires. The reapplication submitted under the provisions of the existing individual permit will be processed as an application for authorization under this permit.

### **III. MONITORING, RECORDING, AND REPORTING REQUIREMENTS BP 2008.02.25**

#### **A. Representative Sampling (Routine and Non-Routine Discharges)**

1. All samples and measurements taken shall be representative of the monitored discharge.
2. In order to ensure that the effluent limits set forth in this permit are not violated at times other than when routine samples are taken, the permittee must collect additional samples at the appropriate outfall whenever any discharge occurs that may reasonably be expected to cause or contribute to a violation that is unlikely to be detected by a routine sample. The permittee must analyze the additional samples for those parameters limited in Part I.B ("Effluent Limitations and Monitoring") of this permit that is likely to be affected by the discharge.
3. The permittee must collect such additional samples as soon as the spill, discharge, or bypassed effluent reaches the outfall. The samples must be analyzed in accordance with paragraph Part III.B ("Test Procedures"). The permittee must report all additional monitoring in accordance with paragraph Part III.D ("Additional Monitoring").

#### **B. Test Procedures**

The collection and transportation of all samples shall conform to EPA preservation techniques and holding times. All laboratory tests shall be performed by a North Dakota certified laboratory in conformance with test procedures pursuant to 40 CFR 136, unless other test procedures have been specified in this permit or approved by EPA as an alternate test procedure under 40 CFR 136.5. The method of determining the total amount of water discharged shall provide results within 10 percent of the actual amount.

#### **C. Recording of Results**

Records of monitoring information shall include:

1. the date, exact place and time of sampling or measurements;
2. the name(s) of the individual(s) who performed the sampling or measurements;
3. the name of the laboratory;
4. the date(s) and time(s) analyses were performed;
5. the name(s) of the individual(s) who performed the analyses;
6. the analytical techniques or methods used; and
7. the results of such analyses.

#### **D. Additional Monitoring**

If the discharge is monitored more frequently than this permit requires, all additional results, if in compliance with Part III.B ("Test Procedures"), above, shall be included in the summary on the Discharge Monitoring Report.

**E. Reporting of Monitoring Results**

Monitoring results shall be summarized and reported on Discharge Monitoring Report forms. If no discharge occurs during a reporting period, "No Discharge" shall be reported. All reports must be postmarked by the last day of the month following the end of each reporting period. Duplicate signed copies of these, and all other reports required herein, shall be submitted to the Department at the following address:

ND Department of Health  
Division of Water Quality  
918 East Divide Ave  
Bismarck ND 58501-1947

**F. Records Retention**

All records and information (including calibration and maintenance) required by this permit shall be kept for at least three years or longer if requested by the Department or EPA.

**IV. COMPLIANCE RESPONSIBILITIES BP 2008.10.27**

**A. Duty to Comply**

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

**B. Proper Operation and Maintenance**

The permittee shall at all times maintain in good working order and operate as efficiently as possible all treatment or control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit. If necessary to achieve compliance with the conditions of this permit, this shall include the operation and maintenance of backup or auxiliary systems.

**C. Planned Changes**

The Department shall be given advance notice of any planned changes at the permitted facility or of an activity which may result in permit noncompliance. Any anticipated facility expansions, production increase, or process modifications which might result in new, different, or increased discharges of pollutants shall be reported to the Department as soon as possible. Changes which may result in a facility being designated a "new source" as determined in 40 CFR 122.29(b) shall also be reported.

**D. Duty to Provide Information**

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Department, upon request, copies of records required to be kept by this permit. When a permittee becomes aware that it failed to submit any relevant facts or submitted incorrect information in a permit application or any report, it shall promptly submit such facts or information.

**E. Signatory Requirements**

All applications, reports, or information submitted to the Department shall be signed and certified.

1. All permit applications shall be signed by a responsible corporate officer, a general partner, or a principal executive officer or ranking elected official.

2. All reports required by the permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described above and submitted to the Department; and
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters.

If an authorization under Part IV.E.2 ("Signatory Requirements") is no longer accurate for any reason, a new authorization satisfying the above requirements must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

Any person signing a document under this section shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted herein. Based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment."

**F. Twenty-four Hour Notice of Noncompliance Reporting**

The permittee shall report any noncompliance which may seriously endanger health or the environment as soon as possible, but no later than twenty-four (24) hours from the time the permittee first became aware of the circumstances. The report shall be made to the EPA, Region VIII, Emergency Response Branch at 1.800.424.8802 and the State of North Dakota, Division of Homeland Security at 1.800.472.2121. The following occurrences of noncompliance shall be reported by telephone to the Department at 701.328.5210 by the first workday (8:00 a.m.-5:00 p.m. Central time) following the day the permittee became aware of the circumstances:

1. Any lagoon cell overflow or any unanticipated bypass which exceeds any effluent limitation in the permit (see Part IV.H, "Bypass of Treatment Facilities");
2. Any upset which exceeds any effluent limitation in the permit (see Part IV.I, "Upset Conditions"); or
3. Violation of any daily maximum effluent or instantaneous discharge limitation for any of the pollutants listed in the permit.

A written submission shall also be provided within five days of the time that the permittee became aware of the circumstances. The written submission shall contain:

1. A description of the noncompliance and its cause;
2. The period of noncompliance, including exact dates and times;
3. The estimated time noncompliance is expected to continue if it has not been corrected; and
4. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

Reports shall be submitted to the address in Part III.E, ("Reporting of Monitoring Results"). The Department may waive the written report on a case by case basis if the oral report has been received within 24 hours by the Department at 701.328.5210 as identified above.

All other instances of noncompliance shall be reported no later than at the time of the next Discharge Monitoring Report submittal. The report shall include the four items listed in this subsection.

#### **G. Bypass of Treatment Facilities**

Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to any of the following provisions in this section.

Bypass exceeding limitations-notification requirements.

- a. Anticipated Bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least ten (10) days before the date of bypass.
- b. Unanticipated Bypass. The permittee shall submit notice of an unanticipated bypass as required in the Part IV.F, ("Twenty-four Hour Notice of Noncompliance Reporting") section.

Prohibition of Bypass. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless:

- a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
- c. The permittee submitted notices as required in the Anticipated Bypass part of this section.

The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the three (3) conditions listed above.

#### **H. Upset Conditions**

An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit effluent limitations if the requirements of the following paragraph are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and the permittee can identify its cause(s);
2. The permitted facility was, at the time being, properly operated;
3. The permittee submitted notice of the upset as required under Part IV.F, ("Twenty-four Hour Notice of Noncompliance Reporting"); and
4. The permittee complied with any remedial measures required under Part IV.I, ("Duty to Mitigate").

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

**I. Duty to Mitigate**

The permittee shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. The permittee, at the Department's request, shall provide accelerated or additional monitoring as necessary to determine the nature and impact of any discharge.

**J. Removed Materials**

Collected screenings, grit, solids, sludges, or other pollutants removed in the course of treatment shall be buried or disposed of in such a manner to prevent any pollutant from entering any waters of the state or creating a health hazard. Sludge/digester supernatant and filter backwash shall not be directly blended with or enter either the final plant discharge and/or waters of the state. The permit issuing authority shall be contacted prior to the disposal of any sewage sludges. At that time, concentration limitations and/or self-monitoring requirements may be established.

**K. Duty to Reapply**

Any request to have this permit renewed should be made six months prior to its expiration date.

**V. GENERAL PROVISIONS BP 2008.02.25**

**A. Inspection and Entry**

The permittee shall allow Department and EPA representatives, at reasonable times and upon the presentation of credentials if requested, to enter the permittee's premises to inspect the wastewater treatment facilities and monitoring equipment, to sample any discharges, and to have access to and copy any records required to be kept by this permit.

**B. Availability of Reports**

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department and EPA. As required by the Act, permit applications, permits, and effluent data shall not be considered confidential.

**C. Transfers**

This permit is not transferable except upon the filing of a Statement of Acceptance by the new party and subsequent Department approval. The current permit holder should inform the new controller, operator, or owner of the existence of this permit and also notify the Department of the possible change.

**D. New Limitations or Prohibitions**

The permittee shall comply with any effluent standards or prohibitions established under Section 306(a), Section 307(a), or Section 405 of the Act for any pollutant (toxic or conventional) present in the discharge or removed substances within the time identified in the regulations even if the permit has not yet been modified to incorporate the requirements.

**E. Permit Actions**

This permit may be modified, revoked and reissued, or terminated for cause. This includes the establishment of limitations or prohibitions based on changes to Water Quality Standards, the development and approval of waste load allocation plans, the development or revision to water quality management plans, changes in sewage sludge practices, or the establishment of prohibitions or more stringent limitations for toxic or conventional pollutants and/or sewage sludge's. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**F. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

**G. State Laws**

Nothing in this permit shall be construed to preclude the institution of legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation preserved under Section 510 of the Act.

**H. Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

**I. Property Rights**

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

**J. Severability**

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.